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| 09/430,043      | 10/29/1999  | BRANT L. CANDELORE   | 080398.P245         | 6700             |

7590

10/16/2002

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EXAMINER

WEISS, JOHN

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 10/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/430,043

Applicant(s)

CANDELORE, BRANT L.

Examiner

Kevin D Saunders

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3-6, 9-12 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-6, 9-12, and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 3-6, 9-12 and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,061,451, issued to Hirofumi Muratani et al.

Regarding claim 3, Muratani et al discloses a method to provide copy protection for content, the method comprising: descrambling the content delivered by a content provider using a local key (see col. 5, lines 50-58); generating the local key from a programmable user key according to an authorization code provided by the content provider (see col. 5, line 65 to col. 6, line 2 and col. 6, lines 46-52); and receiving the authorization code via a communication channel, the communication channel being one of a return path of a cable connection, a telephone connection, and a network (see the network **102** and the monitor **104** in Fig. 5, e.g.).

Regarding claim 4, Muratani et al discloses the method of claim 3 and further discloses the step of receiving the user key from the content provider via a communication channel (see, e.g., col. 6, lines 29-43).

Regarding claim 5, Muratani et al discloses the method of claim 3 and further discloses a user key being provided by a security module 70 having an authorization code (see col. 6, lines 29-43).

Regarding claim 6, Muratani et al discloses the method of claim 3 and further discloses a user key being embedded in a medium embodying the content (see, e.g., col. 7, lines 5-9).

Regarding claim 9, Muratani et al discloses a conditional access (CA) device comprising: a descrambler to descramble a content delivered by a content provider using a local key (see, e.g., col. 5, lines 51-64); a key generator coupled to the descrambler to generate the local key from a user key according to an authorization code provided by the content provider (see col. 5, lines 32-43); and a communication interface coupled to the key generator to receive the authorization code via a communication channel, the communication channel is being one of a return path of a cable connection, a telephone connection, and a network (see the network 102 and the monitor 104 in Fig. 5, e.g.).

Regarding claim 10, Muratani et al discloses the CA device of claim 9, wherein the communication interface further receives the user key from the content provider via the communication channel (see, e.g., col. 6, line 29-43).

Regarding claim 11, Muratani et al discloses the CA device of claim 9, wherein the user key is provided by a master CA device having the authorization (see, e.g., col. 6, lines 29-43).

Regarding claim 12, Muratani et al discloses the CA device of claim 9, wherein the user key is embedded in a medium embodying the content (see, e.g., col. 7, lines 5-9).

Regarding claim 15, Muratani et al discloses a computer program product comprising: a computer usable medium having computer program code embodied therein to provide copy protection for a scrambled content, the computer program product having: a first program code to descramble the content delivered by a content provider using a local key (see col. 5, lines 50-58); a second program code to generate the local key from a programmable user key according to an authorization code provided by the content provider (see, e.g., col. 5, line 65 to col. 6., line 2 and col. 6, lines 46-52); and a third program code to receive the authorization code via a communication channel, the communication channel being one of a return path of a cable connection, a telephone connection, and a network (see, e.g., the network **102** or the monitor **104** in Fig. 5).

Regarding claim 16, Muratani et al discloses the computer product of claim 15 further comprising a fourth program code to receive the user key from the content provider via the communication channel (see col. 6, lines 29-43).

Regarding claim 17, Muratani et al discloses the computer product of claim 15, wherein the user key is provided by a master CA device having the authorization code (see, e.g., col. 6, lines 29-43).

Regarding claim 18, Muratani et al discloses the computer product of claim 15, wherein the user key is embedded in a medium embodying the content (see, e.g., col. 7, lines 5-9).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. No. 5,539,828, issued to Derek L. Davis, discloses an apparatus and method for providing secured communications that includes a random number generator for generating the encryption/decryption keys completely internal to the hardware agent

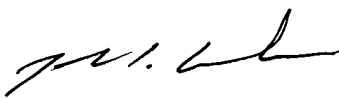
U.S. Pat. No. 5,923,754, issued to Michael F. Angelo et al, discloses a copy protection for recorded media. A method and apparatus is disclosed for securely transferring an encrypted-data key and a medium key, from a media storage such as a DVD disk to an output device in a computer system, using a randomly generated first secure transfer key generated by a disk drive of the computer system, the first key having a uniqueness factor derived from a phase locked loop circuitry.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D Saunders whose telephone number is (703)305-3389. The examiner can normally be reached on 8-5, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703)308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7687 for regular communications and (703)305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

KDS  
September 24, 2002



**JOHN G. WEISS**  
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